(16)

HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

M.A.(C) No. 744 of 2007

APPELLANTS
CLAIMANTS

1. Smt. Leela Bai Pal W/o Late Shri Lakhan Lal Pal, aged about 40 years
2. Ku. Roshni Pal D/o Late Shri Lakhan Lal Pal, aged about 19 years
3. Roshan Pal S/o Late Shri Lakhan Lal Pal, aged about 17 years
4. Ku. Kiran Pal D/o Late Shri Lakhan Lal Pal, aged about 14 years
5. Rakesh Pal S/o Late Shri Lakhan Lal Pal, aged about 10 years
6. Rajendra Pal S/o Late Shri Lakhan Lal Pal, aged about 08 years
   [Appellant No. 2 to 6 being minor on behalf of through their legal guardian mother the appellant No.1 Smt. Leela Bai Pal]
7. Laxmi Narayan Pal S/o Late Shri Nohar Pal, aged about 62 years
8. Smt. Sonvati Pal W/o Shri Laxmi Narayan Pal, aged about 60 years

   All R/o- In front of Chandra Vidya Mandir, Bendri Road, Urla, Police Station - Urla, Post - Birgaon, District - Raipur (C.G.)

VERSUS

RESPONDENT :
NON-CLAIMANTS

1. Rakesh Pratap Singh S/o Yaduvansh Pratap Singh, R/o New Bus Stand, Katni, District - Katni (M.P.)
2. Sanjay Tiwari S/o Shri Paras Nath Tiwari, R/o - Jai Navdurga Transport, Talab Road, Satna, District - Satna (M.P.)
3. The New India Insurance Company Limited, through Divisional Office, Kutchery Chowk, Raipur, Tehsil & District - Raipur (C.G.)

Memorandum of Appeal under Section 173 of Motor Vehicle Act, 1988

Present : Shri Shivendu Pandya, counsel for the appellant.

(17)

ORAL ORDER
(Passed on 09th July, 2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.**

Heard.

The only point urged by learned counsel for the appellants in this appeal for enhancement of compensation in case of accidental death of one Lakhan Lal Pal aged about 40 years, whereby applying multiplier of 15, the learned Tribunal awarded Rs.4,07,000/- as compensation in claim case No. 78/2006, is that the Tribunal ought to have awarded compensation under conventional heads.

However, from the impugned award we notice that claimants / appellants No. 7 & 8 are the father & mother of the deceased aged about 62 and 60 years respectively. If their average age is taken into consideration, the correct multiplier applicable would be five. Similarly, the Tribunal while assessing the compensation, ought to have taken into consideration the fact that claimants / appellants No. 2 & 4 were daughters of the deceased, who would have got married in a couple of years. In that event also, for assessing the loss of dependency of daughters of the deceased, multiplier 15 could not have been applied. Therefore, we are of the considered opinion that taking into consideration above facts, the amount of compensation Rs. 4,07,000/-, awarded by the Tribunal is just and reasonable compensation in this case.

Accordingly, the appeal being devoid of merit is dismissed at the stage of admission itself.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

padma